

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND-ODESSA DIVISION**

**ATLAS OBO ENERGY, LP**

**v.**

**QEP ENERGY COMPANY.**

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**CIVIL ACTION NO.** 7:19-CV-106

**NOTICE OF REMOVAL**

NOW INTO COURT, through undersigned counsel, and pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant QEP Energy Company (“QEP”) hereby removes the captioned matter from the District Court of Martin County, State of Texas, to this Honorable Court.

**BACKGROUND**

1. The matter entitled *Atlas OBO Energy, LP v. QEP Energy Company*, Docket No. 7372, was filed in the 118th Judicial District Court for Martin County, Texas, on March 20, 2019.

2. A representative of QEP executed a waiver of service on April 1, 2019. Therefore, this Notice of Removal is timely under 28 U.S.C. § 1446(b) because it was filed in this Court before the expiration of thirty days from the date that service was waived.

**GROUND FOR REMOVAL**

***A. Diversity of Citizenship***

3. This Court has original jurisdiction of this matter under 28 U.S.C. § 1332, as it is a civil action between citizens of different states wherein the amount in controversy exceeds \$75,000, exclusive of interest and costs.

4. Upon information and belief, Plaintiff Atlas OBO Energy, LP (“Plaintiff” or “Atlas”) is a Texas limited partnership with its principal place of business in Houston Texas. Atlas has two partners—YBC Managers LLC and YC Oil Gas Holdings LLC.<sup>1</sup> Both YBC Managers and YC Oil Gas Holdings are Texas limited liability companies.<sup>2</sup> QEP believes that the sole member of YBC Managers is Younas Chaudhary, who is an individual domiciled in Texas. Finally, upon information and belief, the two members of YC Oil Gas Holdings are two trusts located in Houston, Texas—The Chaudhary Lifetime Access Trust and The Bushra Chaudhary Beneficial Trust. Thus, based on the information available to QEP, Atlas is a citizen of the State of Texas.

5. QEP is a corporation with citizenship in both Delaware, where QEP was incorporated, and Colorado, the location of its principal place of business. *See* 28 U.S.C. § 1332(c)(1).

6. Because Plaintiff is a citizen of Texas and QEP is a citizen of Delaware and Colorado, complete diversity of citizenship exists between the parties as required by 28 U.S.C. § 1332.

***B. Amount in Controversy***

7. In its Original Petition, Plaintiff asserts causes of action for breach of contract, bad faith trespass, and conversion. Plaintiff further asserts that it “seeks monetary relief in excess of \$1,000,000.” Given these claims and allegations, Plaintiff’s petition facially establishes that the amount in controversy is in excess of \$75,000 necessary to establish diversity jurisdiction. 28 U.S.C. § 1332.

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<sup>1</sup> “The citizenship of a limited partnership is based upon the citizenship of each of its partners.” *Harvey v. Grey Wolf Drilling*, 542 F.3d 1077, 1079 (5th Cir. 2008) (citations omitted).

<sup>2</sup> “[T]he citizenship of a LLC is determined by the citizenship of all of its members.” *Id.* at 1080.

### **VENUE AND PROCEDURE**

8. The District Court of Martin County is located within the territorial limits of the United States District for the Western District of Texas. Therefore, venue is proper in this district. *See* 28 U.S.C. §§ 1441(a) and 1446(a).

9. As required by 28 U.S.C. § 1446(d), QEP will give written notice of this Notice of Removal to Plaintiff, and Defendant will file a “Notice to State Court of Filing of Removal” with the Clerk of Court for the District Court of Martin County, State of Texas.

10. Pursuant to 28 U.S.C. § 1446(a), a copy of the docket sheet and all pleadings, process, orders, and other filings in the state court action are filed herewith and attached to this Notice of Removal at Exhibit 1. In addition, QEP attaches the following documents:

Exhibit 2: Notice of Notice of Removal to District Court

Exhibit 3: Notice of Notice of Removal to Opposing Counsel

Exhibit 4: Roster of Attorneys

11. Defendant expressly reserves any and all rights with respect to this proceeding, including, but not limited to, all objections, defenses, and exceptions.

**WHEREFORE**, Defendant QEP Energy Company, respectfully prays that this Notice of Removal be deemed good and sufficient, and that the proceeding entitled *Atlas OBO Energy, LP v. QEP Energy Company*; In the 118<sup>th</sup> Judicial District Court, Martin County, Texas, bearing Docket No. 7372, be removed from the District Court of Martin County, State of Texas, to the docket of this Honorable Court.

RESPECTFULLY SUBMITTED,

**JONES WALKER, LLP**

/s/ Krystal P. Scott

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*Attorneys for QEP Energy Company*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I electronically filed the foregoing pleading with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record. I further certify that I e-mailed and/or mailed the foregoing document and the notice of electronic filing by U.S. first-class mail to the non-CM/ECF participants appearing in this case, if any, on the 22nd day of April, 2019.

/s/ Krystal P. Scott

Krystal P. Scott